

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
OLIVE BRANCH, MISSISSIPPI, DECLARING A CIVIL EMERGENCY, AND FOR
THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES, AND RELATED
PURPOSES**

An Ordinance of the City of Olive Branch, Mississippi declaring a Civil Emergency pursuant to Miss. Code Ann. Section 45-17-1 et. seq., and for the control of contagious and infectious diseases, and for related purposes:

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows:

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. Section 33-15-11(b)(17), Governor Tate Reeves declared a State of Emergency existed in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on March 20, 2020, Mayor Phillips declared a Local Emergency pursuant to Miss. Code Ann. Section 33-15-17(d) due to the coronavirus COVID-19 pandemic. In a special meeting on March 22, 2020 the Board of Aldermen extended said Local Emergency to April 21, 2020; and

WHEREAS, the emergence and risk of spread of COVID-19 within Mississippi constitutes a public emergency that has resulted in substantial injury or harm to life, health, and property within Mississippi, and in the City of Olive Branch, and COVID-19 has already been detected in numerous individuals in multiple counties throughout the State; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi, and as of March 22, 2020, there are at least 207 cases in Mississippi that have tested positive for COVID-19, resulting in at least one death; and

WHEREAS, the State of Mississippi and the City of Olive Branch is being adversely affected by the outbreak of the novel coronavirus, COVID-19, and there exists a continued threat to the public's safety, private property and the social and economic welfare to the state; and

WHEREAS, the Centers for Disease Control (CDC) guidelines for responding to COVID-19 recommends avoiding crowds or gatherings of more than 10 people, especially for older adults and individuals with serious chronic medical conditions; and

WHEREAS, the governing authority of the City of Olive Branch has reviewed and accepts the findings and recommendations of the CDC. Further, local health officials, including chief medical and administrative officers at the municipality's local hospital, have advised the governing authority that conditions of extreme peril are currently in existence; and

WHEREAS, the City of Olive Branch, as a rapidly growing municipality located on the boundary of Memphis, Tennessee, is densely populated, and contains significant populations of both older and at-risk individuals, as well as younger individuals who travel broadly and frequently; and

WHEREAS, Miss. Code Ann. Section 45-17-3 allows the City of Olive Branch to proclaim a civil emergency if it determines that a natural disaster exists which has caused death or injury of persons; and

WHEREAS, the City finds COVID-19 to be a natural disaster within the geographic limits of the municipality which has caused and will continue to cause injury to persons to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare of citizens and visitors to Olive Branch and Desoto County, Mississippi; and

WHEREAS, Miss. Code. Ann. Section 45-17-5 allows the City of Olive Branch to order a general curfew as deemed necessary in the interest of the public health, safety and welfare of citizens and visitors to Olive Branch and Desoto County, Mississippi; and

WHEREAS, Miss. Code Ann. Section 45-17-7 allows the City of Olive Branch after proclamation of civil emergency and in the interest of the public safety and welfare to issue such orders as are necessary for the protection of life of citizens and visitors to Olive Branch and Desoto County, Mississippi; and

WHEREAS, Miss. Code Ann. Section 21-19-3 allows the City of Olive Branch to make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws for this purpose, and to enforce same within five miles of the corporate limits; and

WHEREAS, Miss. Code Ann. Section 21-19-17 allows the City of Olive Branch the power to make regulations to protect the health and lives and to enhance the general welfare of the community by restricting the movements of its citizens, or any group thereof, when there is eminent danger to the public safety because of freedom of movement thereof; and

WHEREAS, Miss. Code Ann. Section 21-19-29 allows the City of Olive Branch to regulate the entrances to public halls and buildings, and the way of ingress and egress to and from the same.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi, as follows, to-wit:

The City of Olive Branch hereby adopts the following emergency measures that shall

take effect immediately and remain in effect until rescinded by the governing authority of the City of Olive Branch (unless a different effective date is stated in such measure(s)), to protect the public health, safety, and welfare of the community from the spread of a contagious or infectious disease and to eliminate or limit injuries or deaths that may occur in the absence of such measures:

Section 1: Effective 5:00 p.m. March 22, 2020 and for a period of thirty days unless extended by Motion and Order of the governing authority of the City of Olive Branch, all restaurants shall only serve food using drive-through, curbside (only) pick-up, or delivery methods, and shall not allow the use by the public of interior or exterior common dining or bar facilities.

Section 2: Effective 5:00 p.m. March 22, 2020 and for a period of thirty days unless extended by Motion and Order of the governing authority of the City of Olive Branch, the businesses, clubs, organizations, places of worship, or other gatherings within the City's boundaries shall adhere to the guideline of the Centers for Disease Control (CDC) to limit crowds or gatherings to no more than 10 people, with the exclusion of essential services including, but not limited to, hospitals, nursing homes, health clinics, drug stores, pharmacies, banks, grocery stores, convenience stores (but not for dine-in), gas stations, hardware stores, and manufacturers and distributors of products essential for the supply chain of vital supplies.

Section 3: The City may issue such other orders as are necessary for the protection of life and liberty.

Section 4: This Ordinance shall be enforced by the Police Department and violations shall be punishable as provided by law.

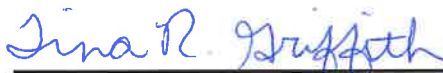
Passage of this Ordinance is now official and the same shall take effect immediately pursuant to Miss. Code Ann. Section 21-13-11 in order to provide for the immediate preservation of the public peace, health, and safety.

ADOPTED, ORDAINED, AND APPROVED, this the 22nd day of March, 2020.



SCOTT B. PHILLIPS, MAYOR

ATTEST:



TINA R. GRIFFITH, CITY CLERK



The foregoing Ordinance was voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Dickerson, and seconded by Alderman Collins, with the following results:

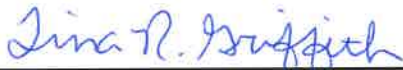
Alderman Jan Aldridge	AYE
Alderman George Collins	AYE
Alderman Dale Dickerson	AYE
Alderman Gil Earhart	AYE
Alderman Pat Hamilton	AYE
Alderman Joy Henderson	AYE
Alderman David Wallace	AYE

The foregoing Ordinance was passed, adopted and approved on the 22nd day of March, 2020.



SCOTT B. PHILLIPS, MAYOR

ATTEST:



TINA R. GRIFFITH, CITY CLERK

